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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,127	03/24/2004	Scott C. Glasgow	SHA01 P-361	4520
277 7590 09/21/2007 PRICE HENEVELD COOPER DEWITT & LITTON, LLP 695 KENMOOR, S.E. P O BOX 2567 GRAND RAPIDS, MI 49501			EXAMINER BLANKENSHIP, GREGORY A	
			ART UNIT 3612	PAPER NUMBER
			MAIL DATE 09/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/808,127	Applicant(s) GLASGOW ET AL.	
	Examiner Greg Blankenship	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 7/10/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 16-24, 28, 31-40, 44, 47 and 49-51 is/are rejected.
- 7) ☒ Claim(s) 10-15, 25-27, 29, 30, 41-43, 45, 46 and 48 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/24/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6-9, 16-19, 21-24, 31-35, 37-40, 47, and 49-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Shimotsu (6,802,548).

Shimotsu discloses an energy management system comprising a longitudinally extending beam (20) having a front face, a first sidewall, and a second sidewall, as shown in Figure 1. The front face is attached to element (10). The first and second sidewalls each have a U-shaped section (23) spaced from the front face, as shown in Figure 1. The first and second side walls roll to enlarge the U-shaped sections (23) during an impact force directed against the front face of the beam, as shown in Figure 6. In reference to claims 2 and 34, an energy absorber (10) is attached to the front face of the beam. In reference to claims 3 and 18, the beam includes a front beam portion and a rear beam portion, as shown in Figure 1. In reference to claims 4 and 19, the front beam and the rear beam are integral. In reference to claims 6 and 21, the front face, the first sidewall, and the second sidewall are on the front beam portion. The rear beam portion starts below the U-shaped section 23, as shown in Figure 1. In reference to claims 7-9 and 22-24, the front beam is element (20) and the rear beam is element (60). A fastener, a weld bead, mechanically connects the front and rear

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beams. In reference to claims 16, 31 and 47, the U-shaped sections extend outwardly, as shown in Figure 1. In reference to claim 17, the longitudinally extending beam (20) has an energy absorber (10) attached to its front face. Mounts (60) engage a rear of the beam for connecting the beam to the vehicle. U-shaped sections (23) are located in the first and second sidewalls spaced from the front face. The sidewalls roll to enlarge the U-shaped sections during an impact force directed against the front, first face of the beam. In reference to claim 32, the longitudinally extending beam (20) has an energy absorber (10) attached to its front face. Mounts (60) engage a rear, second face of the beam for connecting the beam to the vehicle. U-shaped sections (23) are located in the first and second sidewalls spaced from the front face. The sidewalls roll to enlarge the U-shaped sections during an impact force directed against the front face of the beam. In reference to claim 33, the first one of the first and second beam portion is the first beam portion. The second of the first and second beam portion is the second beam portion. The sidewalls roll to enlarge the U-shaped sections when an impact force is directed against the first face of the first beam portion. In reference to claim 35, the first beam portion and the second beam portion are integral. In reference to claims 37, the front face, the first sidewall, and the second sidewall are on the first beam portion. In reference to claims 38-40, the first beam is element (20) and the second beam is element (60). A fastener, a weld bead, mechanically connects the first and second beams. In reference to claims 44-51, each U-shaped portion has a mouth that opens in a direction towards the front face of the beam, as shown in Figure 1.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 20, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimotsu (6,802,548) in view of Glasgow et al. (6,942,262).

Shimotsu does not disclose the first beam portion and the second beam portion having a uniform thickness.

Glasgow et al. teaches first (15A) and second beam (14A) portions having a uniform thickness, as disclosed on lines 25-28 of column 6.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the first beam portion and the second beam portion of Shimotsu with a uniform thickness, as taught by EOWPWIEO, to tune the energy absorbing characteristics of the beam.

5. Claims 13, 28, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimotsu (6,802,548) in view of .

Shimotsu does not disclose the first beam portion and the second beam portion made of different materials.

Glasgow et al. teaches forming a first beam portion of a heat-treated high strength material and a second beam portion of a lower strength material to provide the desired strength and energy absorbing characteristics, as disclosed on lines 51-55 of column 5.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the first beam portion of a material different than the material of the second beam portion of Shimotsu, as taught by FLKJSWEIWFL, to provide the desired strength and energy absorbing characteristics.

Allowable Subject Matter

6. Claims 10-15, 25-27, 29, 30, 41-43, 45, 46, and 48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Blankenship whose telephone number is 571-272-6656. The examiner can normally be reached on 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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September 17, 2007



DENNIS H. PEDDER
PRIMARY EXAMINER

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